



Joseph H. Mizrahi – Attorney  
300 Cadman Plaza W, 12th Floor  
Brooklyn, NY 11201  
P: 929-575-4175 | F: 929-575-4195  
E: [joseph@cml.legal](mailto:joseph@cml.legal) | W: [cml.legal](http://cml.legal)

November 11, 2019

**VIA ECF**

Hon. Judge Failla  
United States District Judge  
Southern District of New York  
40 Centre Street  
New York, NY 10007

**MEMO ENDORSED**

Re: Diaz v. SJV USA Inc.; Case No. 1:19-cv-08276-KPF

Dear Judge Failla,

The undersigned represents Plaintiff Edwin Diaz (hereinafter “Plaintiff”) in the above-referenced matter.

The initial conference for this matter is set for Tuesday, December 17, 2019 at 10:00 a.m. It is now November 11, 2019, and Defendant has yet to appear. Defendants answer was due October 1, 2019. Plaintiff is in the process of obtaining a Certificate of Default from the Clerk of the Court as to Defendant, SJV USA Inc, and will promptly be moving the Court for a Default Judgement in accordance with its Individual Rules.

In light of the above, the undersigned requests that the December 17th Conference be adjourned sine die, and further requests that Plaintiff be granted an additional 30 days in which to both obtain said Certificate of Default and present the Court with an Order to Show Cause for default judgment.

Thank you for your time and consideration of the above request.

Respectfully submitted,

/s/ Joseph H. Mizrahi  
Joseph H. Mizrahi, Esq.

Application GRANTED. The initial pretrial conference currently scheduled for December 17, 2019, is hereby ADJOURNED *sine die*. Plaintiff shall file his anticipated motion for an order to show cause and supporting papers on or before December 12, 2019.

Dated: November 12, 2019 SO ORDERED.  
New York, New York



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE